

DEPARTMENT OF ENVIRONMENTAL QUALITY
REMEDIATION DIVISION

Technical Guidance Document #3

Reporting Suspected Releases – ARM 17.56.502

ARM 17.56.502 *et seq.* requires reporting of suspected petroleum releases by "owners, operators, any installer, any person who performs subsurface investigations for the presence of regulated substances, and any person who performs a tank tightness or line tightness test."

Consultants completing environmental and geotechnical site assessments must report petroleum contamination discovered during the assessment. This is interpreted broadly to include the following common scenarios:

- Petroleum-contaminated soil discovered through environmental sampling from borings, monitoring wells, or test pits, or completed as part of environmental site assessment work.
- Petroleum-contaminated soil discovered through geotechnical borings for building footing/foundation work.
- Visible petroleum staining on the ground surface.
- Odor and/or detectable vapor headspace readings on vapor monitoring equipment used for field screening of soil samples.
- Visible petroleum sheen on groundwater in excavations and groundwater samples.
- Any detectable analytical results which indicate the presence of petroleum hydrocarbons in soil or groundwater.
- Analytical results from soil samples that exceed 200 milligrams per kilogram for extractable petroleum hydrocarbons (EPH) screen.

Contamination discovered under these scenarios must be notified to the department as a suspected or confirmed release. Additional information from the consultant may verify that the soil contamination is related to a different source not directly attributable to a UST system which may fall under the jurisdiction of another State agency. Information provided by the caller and knowledge of other UST releases in the local area will be used by DEQ project managers to make that decision. All such cases will be referred to the appropriate State agency for follow-up.

Owners and operators of underground storage tanks (USTs) must also report a suspected release during any of the following conditions:

- The sudden or unexplained loss of product from the tank system
- A failed tightness test, performed in accordance with subchapter 4, unless the tank system is found to be defective but not leaking and is immediately repaired or replaced.
- Sampling, testing, or monitoring results from a release detection method, performed in accordance with subchapter 4, that indicate a release may have occurred, unless the release detection or monitoring device is found to be defective and is immediately repaired, recalibrated, or replaced, and subsequent monitoring, sampling, or testing indicates that the system is not leaking.
- The presence of product in the tank secondary containment system;
- Erratic behavior of product dispensing equipment or automatic release detection equipment unless the equipment is found to be defective but not leaking, and is immediately repaired or replaced.
- An unexplained presence of water in the tank or in the interstitial space between the tank and the tank secondary containment.
- Inconclusive results from a tank tightness test, performed in accordance with subchapter 4, unless the tank system is found to be defective but not leaking.
- Sampling, testing, or monitoring results from a release detection method, required under subchapter 4, that are inconclusive and cannot rule out the occurrence of a release, unless the monitoring device is found to be defective and is immediately repaired, recalibrated, or replaced, and subsequent monitoring, sampling, or testing indicates that the system is not leaking.

Failure to report releases within 24 hours is a violation of ARM 17.56.501. If the DEQ verifies that contamination was discovered (suspected or confirmed releases) or if the owner had knowledge of one of the previous conditions without reporting it to the DEQ within 24 hours, the owner and operator will be subject to substantial State and Federal civil penalties.